

LETTER

November 16, 2021

Via ECF

The Honorable Lewis J. Liman
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: HC2, Inc. v. Andrew Delaney, No. 20-cv-03178-LJL

To the Court:

In his “status” letter dated November 16, 2021 (Dkt. No. 151), HC2 Inc.’s lawyer Michael Nacchio, Esq. wrote to the Court in his usual misleading fashion: “on October 14, 2021, the Bankruptcy Court also closed a motion to dismiss that Mr. Delaney had previously filed.”

That motion to dismiss was *withdrawn* by my lawyer on September 24, 2021: “Motion to Dismiss/Withdraw Dkt. No. 107 and Cancel Hearing Date Filed by Christopher Teny Beres on behalf of Andrew John Delaney (RE: related document(s)107 Motion to Dismiss Case filed by Debtor Andrew John Delaney). Hearing scheduled for 10/14/2021 at 10:00 AM at Courtroom 3529 (Judge Mazer-Marino), Brooklyn, NY. (Beres, Christopher) (Entered: 09/21/2021).” Nacchio tries to make it sound like a pending motion by me that was denied by the Court.

Of course, that is as truthful as his and his client’s bringing this case in the Southern District of New York in the first place, an *ongoing fraud* on the Court which wasted the Court’s and my time and has caused me great damage. The only reason HC2 paid a settlement of \$25,000 to my Chapter 7 trustee was because the allegations in my sanctions motion are true about its and its attorneys’ fraud on the Court. There is no diversity jurisdiction in this case and the amount in controversy is \$66,000 - not in excess of \$75,000.

Respectfully submitted,
/s/Andrew Delaney